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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, FEBRUARY 20, 2003
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

I. **Call to Order:** Chairman Eugene Lawrence called the meeting to order at 2:00 p.m.

II. **Roll Call:**

Present: Eugene Lawrence, Chairman
P. Robert Bale, Vice Chairman
Pamela Hoffpauer, Member
Dr. Harry Horwich, Member
Timothy Hoffman, Member
Joel P. Koeppe, Member (arrived at 2:02 p.m.)
Richard A. Raffo, Member
Hugh C. Davis, III, Alternate Member
Thomas M. Youchak, Alternate Member (arrived at 2:03 p.m.)
Brian K. House, Chief Code Compliance Officer
John C. Randolph, Town Attorney

Absent: None

Recording Secretary: Deborah A. Morakis

III. Approval of the Minutes of January 16, 2002:

MOTION BY MR. BALE TO AMEND THE MINUTES OF THE JANUARY 16, 2002 CODE ENFORCEMENT BOARD HEARING BY CORRECTING THE ATTENDANCE TO REFLECT THAT MR. RUKEYSER WAS NOT PRESENT AND APPROVE THE MINUTES AS AMENDED.

**MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

IV. Public Hearings:

- A Case #02-1477, 150 Dunbar Road, Inc., 150 Dunbar Road
Violation of Section 42-228 of the Town of Palm Beach Code of Ordinances, noise exceeding the allowable noise level in the Town of Palm Beach.

Mr. House requested Case #02-1477 be dismissed for compliance.

MOTION BY MR. BALE TO DISMISS CASE #02-1477 FOR COMPLIANCE.

**MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.**

Let the record show that Ms. Morakis administered the oath to Mr. House and all other parties in preparation for their testimony. Chairman Lawrence declared a conflict of interest in Case #02-1491 and passed the gavel to Mr. Bale.

- B Case #02-1491, SLM Palm Beach Associates LLC, 2310/2315 South Ocean Blvd.
Violation of Section 42-86 of the Town of Palm Beach Code of Ordinances, grass and hedges are overgrown, the buildings are not secured so that trespassers may not enter, garbage and trash are accumulating on the property.

Mr. House stated that this property has deteriorated to a point where he is getting daily calls. One building is in need of repair and paint and is not secure. The grass and vegetation are overgrown. The pool is very green. They are presently working on it. They have cut the grass and trimmed most of the vegetation. There is some work going on to secure the property. They are presently still in violation because all the work is not done. We are looking for a finding of fact that there was a violation and an order from the board.

Attorney Jim Brindell, who was here representing the property owners, stated that back in September they had hired someone to manage the property but that they

can no longer be found. They have now hired the Woods Company to clean the debris and vegetation. They will also take care of the pool, secure the gates, etc. The lakeside property is in for a permit to renovate that into a single family house. The hotel is to be replaced with some townhouses and a condominium building at some point in the future.

Mr. House stated that he is looking for a motion to find SLM Palm Beach Associates, LLC guilty of a violation of Section 42-86 and order them to continue meaningful work until the property is brought into compliance by cleaning and painting the hotel building, structurally covering the pool, emptying the pool and chlorinating the water, securing all openings to the buildings and maintaining the property and buildings in compliance with Town ordinances in the future.

Further discussion continued and the following motion was made:

MOTION BY MR. HOFFMAN TO FIND THE DEFENDANT GUILTY OF A VIOLATION OF SECTION 42-86 AND ORDER THE DEFENDANT TO CONTINUE MEANINGFUL WORK UNTIL THE PROPERTY IS BROUGHT INTO COMPLIANCE BY CLEANING AND PAINTING THE HOTEL BUILDING; STRUCTURALLY COVERING THE POOL AND CHLORINATING OR EMPTYING THE POOL; SECURING ALL OPENINGS TO THE BUILDING; MAINTAINING THE PROPERTY AND BUILDINGS IN COMPLIANCE WITH TOWN ORDINANCES IN THE FUTURE.

**MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.**

Mr. Bale passed the gavel back to Mr. Lawrence, who resumed his duties as Chairman for the remainder of the meeting.

- C Case #02-1492, Victoria Amory, 141 Brazilian Avenue
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, placing yard work in right-of-way out of line with the schedule.

Mr. Robert Kennedy, Town of Palm Beach trash Bureau Supervisor gave testimony that he observed yard waste that came from the property and issued a notice to appear to the property owner.

Let the record reflect that Ms. Morakis administered the oath to Mrs. Victoria Amory in preparation of her testimony.

Victoria Amory stated that she contacted her gardener and confirmed that they came on Monday to do her garden and they took the trash away on their truck. All her neighbors have the same kind of plant material.

**MOTION BY MR. KOEPEL TO FIND THE DEFENDANT GUILTY BUT
WAIVE ALL FINES.**

**MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.**

V. Presentation of New Cases to Set for Hearing:

A Case #03-1493, Maria Smithers, Pita Line, Inc., 111 No. County Road
Violation of Chapter 18, Section 18-175 of the Town of Palm Beach Code of Ordinances, all signs shall be approved by the Architectural Commission. Following Architectural Commission approval, a building permit is required. This permit must be obtained prior to commencing work.

B Case #03-1494, Marie E. Wilson, 1388 North Lake Way
Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks and bike trails must be maintained to allow unobstructed passage of pedestrians.

C Case #03-1495, Howard Finkelstein, 615 North Lake Trail
Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks and bike trails must be maintained to allow unobstructed passage of pedestrians.

D Case #03-1496, Rena Rowan, 202 Plantation Road
Violation of Section 118.50 of the Town of Palm Beach Code of Ordinances, it shall be unlawful to park any recreational vehicle or truck on any privately owned property within the Town for a space of time longer than two (2) days.

E Case #03-1497, House of Kahn, 231 Peruvian Avenue
Violation of Section 28-35 (b) of the Town of Palm Beach Code of Ordinances, alarm system users with fines not paid within thirty (30) days of first billing.

F Case #03-1498, Sunset PB Limited Part., 223 Sunset Avenue
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.

**MOTION BY MS. HOFFPAUER TO SET CASE #'S 03-1493, 03-1494, 03-1495,
03-1496, 03-1497, AND 03-1498 FOR HEARING AT THE MARCH 20, 2003
CODE ENFORCEMENT BOARD.**

**MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

VI. New Business:

No new business.

VII. Old Business:

Town Attorney, John C. Randolph stated that at the December 19, 2002 Code Enforcement Board Meeting, Mr. Raffo suggested that the Town Council give consideration to allowing foreclosures to be considered only by the Code Enforcement Board because the ordinance allows the Code Enforcement Board to make a determination as to whether or not to foreclose on a piece of property and does not have a requirement that the Town Council approve it. When the Code Enforcement Board approves a foreclosure, as a matter of course, it is taken to the Town Council because it is the Town's funds that are being spent on the foreclosure. It was placed on the tentative agenda for the Town Council at the last meeting and it was suggested by Mr. Elwell that prior to it going to the Town Council that it be brought back before the full board so that it is the direction of the full Board on how to handle this because the minutes reflect simply that it was Mr. Raffo's suggestion. It would be appropriate that it is an action of the full board as opposed to a suggestion of one of the members of the board. It would be my suggestion to the Town Council that they continue giving consideration as to whether to foreclose even after you have given direction to foreclose.

After further discussion the following motion was made:

MOTION BY MR. RAFFO TO BRING BEFORE THE TOWN COUNCIL THE ISSUE OF AUTHORITY OF THE CODE ENFORCEMENT BOARD TO FORECLOSE.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED 4 TO 3 AFTER A ROLL CALL VOTE WITH MS. HOFFPAUER, MR. HOFFMAN AND MR. LAWRENCE VOTING NO.

VIII. Reports:

A Case #02-1482, Washington Mutual Bank, FA, 159 Sunset Avenue
Violation of Section 42-87 of the Town of Palm Beach Code of Ordinances:
Brush, weeds or grass may not be allowed to grow to a height greater than eight (8) inches; and decayed or decaying buildings or structures, ruins of any kind or buildings, docks, walls or other structures in a falling or dangerous condition are unlawful; and Section 42-87 requires exterior walls to be reasonably free of

cracks or holes through which weather elements can enter the building or structures, and all exterior surfacing material shall be kept painted and in good repair.

Mr. House read a letter that was addressed to Mr. Lawrence from the attorney for the contract purchaser of 159 Sunset Avenue.

Attorney Ray Royce was here to testify on behalf of Washington Mutual. He stated that the pool has been covered and cleaned. A fence and lock have been installed. The grass is not deep. They have a new prospective buyer who has already met with members of the Planning, Zoning & Building Department regarding their ideas and plans for the property and they may need to apply for a variance. He asked that the Town have patience and allow more time for them to resolve these issues.

After further discussion, the following motion was made:

MOTION BY MR. KOEPEL TO SET CASE #02-1482 FOR HEARING AT THE MARCH 20, 2003 CODE ENFORCEMENT BOARD HEARING.

**MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

IX. Adjournment:

The meeting was adjourned by Mr. Lawrence at 3:10 p.m. without benefit of a motion.

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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME LAURENCE, EUGENE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CIDE	
MAILING ADDRESS 205 WORTH AVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PALM BEACH		☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
COUNTY PALM BEACH		NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH - CODE ENFORCEMENT	
DATE ON WHICH VOTE OCCURRED 20 FEBRUARY 2003		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, EUGENE LAWRENCE, hereby disclose that on 20 FEBRUARY, 2003, 19:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of SUN ASSOCIATES, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

WE ARE THE ARCHITECTS FOR THIS PROJECT

CASE 02-1491.

RECEIVED

FEB 20 2003

JUVENILE JUSTICE PLAU,
PZBDEPT

FEB 25 2003

FEB 25 2003

TOWN CLERK'S OFFICE

TOWN OF PALM BEACH

TOWN CLERK'S OFFICE

TOWN OF PALM BEACH

20 FEB 2003
Date Filed

Eugene Lawrence
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.